

**Regarding observance of rule 9 of the
Rules for the Conduct of Legal
Affairs of Government, 1984**

**Government of Maharashtra
Law and Judiciary Department
Government Circular No. 02-04/2022/Civil/Misc/‘A’
Hutatma Rajguru Chowk, Madam Cama Road,
Mantralaya, Mumbai-400 032.
Date: 5th April, 2022.**

CIRCULAR

1. As per Instruction No. 44 of Instructions regarding the Business of the Government issued under rule 15 of the Maharashtra Government Rules of Business made under Article 166 of the Constitution of India, the administrative departments of Mantralayas consult the Law and Judiciary Department, *inter-alia*, on the point of any legal principle arising out of any case.
2. As provided under the Maharashtra Law Officers (Appointment, Conditions of Service and Remuneration) Rules, 1984, this department, either *suo motu* or at the instance of administrative departments of Mantralaya, seeks opinion of Ld. Advocate General in the matters involving legal issues.
3. As per provisions of rule 9 of the Rules for the Conduct of Legal Affairs of Government, 1984 all advices and opinion given by the Law and Judiciary Department and the Ld. Advocate General to the administrative departments are strictly confidential and shall not be disclosed either to the public or other Governments including Central Government. Rule 9 reads thus:-
 9. *Advice to be kept confidential-*
 - (1) *It is emphasised that all advices and opinions given by the Remembrancer of Legal Affairs and the Advocate-General to the administrative departments are strictly confidential and therefore shall not be disclosed either to the public or to other Governments, including Central Government, without the permission of the Remembrancer of Legal Affairs. Any unauthorised disclosure may place Government in awkward and disadvantageous position in litigation besides raising question of privilege.*

(2)(a) Whenever cases are referred to the Remembrancer of Legal Affairs for advice that information shall not be divulged to parties interested and that they shall not be directed to contact the Remembrancer of Legal Affairs or any of his subordinates;

(b)

4. Thus, all the administrative departments of Mantralaya are hereby requested to ensure strict observance of rule 9 of the Rules for the Conduct of Legal Affairs of Government, 1984.

This Government Circular of Maharashtra Government is available at the website www.maharashtra.gov.in Reference no. for this is 202204051553455512. This order has been signed digitally.

By order and in the name of Governor of Maharashtra.

(Ashwini Saini)
Joint Secretary (Law) to
Government of Maharashtra

Copy forwarded to:-

1. The Advocate General, Maharashtra State, Mumbai.
2. All Additional Chief Secretaries/ Principal Secretaries/Secretaries, Mantralaya, Mumbai.
3. The Joint Secretary, Law and Judiciary Department, 'A' Branch/ 'E' Branch/'M' Branch/ Nagpur/Aurangabad.
4. The Deputy Secretary (Law), Office of the Chief Secretary, Mantralaya, Mumbai.